APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/029,310	12/20/2001	Tantek Celik	14531.128	3518

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ART UNIT	PAPER NUMBER
2154	

DATE MAILED: 10/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/029,310	CELIK ET AL.
	Examiner	Art Unit	
	Dustin Nguyen	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>28 July 2006</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-32,39-46 and 52-54* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-32,39-46 and 52-54* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 1-32, 39-46, 52-54 are presented for examination.

Claim Rejections - 35 USC § 101

2.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 9-16, 25-32 are rejected under 35 U.S.C. 101 because the computer-readable medium provides intrinsic evidence of the intended scope of the medium as "the computer-readable media can comprise any other medium which can be used to carry computer-executable instruction", which is directed to non-statutory subject matter.

For a claim to be statutory under 35 USC 101 the following two conditions must be met:

1) In the claim, the practical application of an algorithm or idea result in a useful, concrete, tangible result, AND

2) The claim provides a limitation in the technological art that enables a useful, concrete, tangible result.

As to the technology requirement, note MPEP Section iV 2(b). Also note In Re Waldbaum, 173USPQ 430 (CCPA 1972) which teaches "useful arts" is synonymous with "technological arts". In re Musgrave, 167USPQ 280 (CCPA1970), In re Johnston, 183USPQ 172 (CCPA 1974), and In re Toma, 197USPQ 852 (CCPA 1978), all teach a technological requirements.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

4.   Claims 1-32, 39-46 and 52-54 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Robotham et al. [US Patent No 6,704,024], in view of Sahota et al. [US Patent

Application No 2001/0056460].

5.   As per claim 1, Robotham discloses the invention substantially as claimed including in a

system that includes one or more nodes each of which are connected with a central server that

receives content including audio and video content from a broadcast source, and wherein the

content is delivered to the one or more nodes by one or more feature applications, a method for

distributing at least one of the one or more feature applications across at least one of the one or

more nodes and the central server [i.e. streaming content] [col 54, lines 41-47; and col 56, lines

30-59], the method comprising:

        loading a node application at one of the one or more nodes [i.e. displaying electronic

documents, presentations, images at the client device] [Figure 1; Abstract; and col 3, lines 10-

15], wherein the node application was requested by the node from the central server [i.e. served

upon request to other system such as client 24] [col 8, lines 1-3; and col 19, lines 56-59];

selecting one of the one or more feature applications for distribution across the node [i.e.

selected pixel region] [col 4, lines 54-60; and col 14, lines 42-47], wherein the feature

application comprises a user interface portion [i.e. client-side] and a process portion [i.e.

server-side] [Figure 1; Abstract; col 4, lines 41-51; col 8, lines 53-61; and col 42, lines 59-65];

loading the user interface portion of the feature application at the node by the node

application [i.e. generating user interface at the client] [9, Figure 2; and col 5, lines 54-56],

wherein the user interface portion communicates with a process portion of the feature application

that is loaded on the central server [col 15, lines 31-43];

making a request, by the user interface portion, to the process portion for data [i.e. user

interface events should be transmitted to the server 22 for further processing] [col 22, lines 3-10

];

receiving processed data from the process portion, wherein the received processed data

was processed by the process portion in response to the request made by the user interface

portion [i.e. when the server receives a user interface event …. transmitted back to the client] [

col 22, lines 11-27]; and

presenting the processed data at the node [i.e. display of visual content on a client device

] [Abstract; and col 3, lines 31-33].

Robotham does not specifically disclose

the central server which receives audio and video content from the broadcast source.

Sahota discloses

the central server which receives audio and video content from the broadcast source

[i.e. syndication server 110 interfaces with TV broadcast content] [Figures 1A; and paragraphs

0003 and 0046].

It would have been obvious to a person skill in the art at the time the invention was made

to combine the teaching of Robotham and Sahota because Sahota's teaching would allow to

combine the ability to broadcast content and the ability to request content to create new

personalized experiences, and would allow to retrieve harvested content and combine a variety of

new content types with the data broadcast to provide a "new look and feel" to the content [

Sahota, paragraph 0047].

6.   As per claim2, Robotham discloses the node application:

loading additional user interface portions of additional feature applications [i.e. selection

of additional pixel sub-regions] [col 15, lines 44-56]; and

allocating resources of the node between the user interface portions of the feature

applications that are loaded on the node [i.e. the client display surface allocated by the client] [

col 20, lines 1-8].

7.   As per claim 3, Robotham discloses wherein selecting application further comprises

receiving user input [col 28, lines 58-62].

8.   As per claim 4, Robotham discloses display a preliminary user interface at the node [col

57, lines 16-49]; requesting a current time and a current date from the central server [i.e. time-

stamp] [col 32, lines 8-10]; requesting user-independent preferences for the node [i.e. user

preference] [col 57, lines 36-40]; requesting an initial user interface; and displaying the initial

user interface at the node, wherein the feature application is initial user interface [col 56, lines

59-col 57, lines 40].

9.   As per claim 5, Robotham discloses wherein making a request, by the user interface

portion, to the process portion for data further comprises making a remote procedure call using a

protocol [i.e. request and response] [col 17, lines 53-61].

10.   As per claim 6, Robotham discloses wherein the protocol is one of COM, DCOM and

SOAP [col 17, lines 53-61; and col 18, lines 11-15].

11.   As per claim 7, Robotham discloses wherein presenting the processed data at the node

further comprises constructing a user interface using standards provided by the node application

[i.e. accommodate the display capabilities of the client] [col 11, lines 58-61].

12.   As per claim 8, Robotham discloses wherein constructing a user interface further

comprises: creating an XHTML representation of the user interface; generating one or more

placeholder areas within the XHTML; describing the presentation and layout of the user

interface; and using a behavior to control creation of dynamic content [i.e. XHTML basic

standard] [col 5, lines 10-14; and col 70, lines 6-21].

13.   As per claims 9-16, they are program product claimed of claims 1-8, they are rejected for

similar reasons as stated above in claims 1-8.

14.   As per claim 17, it is rejected for similar reasons as stated above in claim 1.

15.   As per claim 18, it is rejected for similar reasons as stated above in claim 4.

16.   As per claim 19, it is rejected for similar reason as stated above in claim 7.

17.   As per claims 20 and 21, they are rejected for similar reasons as stated above in claims 5

and 6.

18.   As per claim 22, Robotham discloses accessing content stored on the server or on a

remote server [6, Figure 1; and col 7, lines 65-col 8, lines 2].

19.   As per claim 23, Robotham does not specifically disclose recording content, wherein the

content comprises a television program that is received over the satellite system or the cable

system. Sahota discloses recording content, wherein the content comprises a television program

that is received over the satellite system or the cable system [paragraphs 0032 and 0071]. It

would have been obvious to a person skill in the art at the time the invention was made to

combine the teaching of Robotham and Sahota because Sahota's teaching would allow to

combine the ability to broadcast content and the ability to request content to create new

personalized experiences, and would allow to retrieve harvested content and combine a variety of

new content types with the data broadcast to provide a "new look and feel" to the content [

Sahota, paragraph 0047].

20.   As per claim 24, it is rejected for similar reasons as stated above in claims 1 and 3.

21.   As per claim 25, it is rejected for similar reasons as stated above in claim 1.

22.   As per claim 26, it is rejected for similar reasons as stated above in claim 4.

23.   As per claim 27, it is rejected for similar reason as stated above in claim 7.

24.   As per claims 28 and 29, they are rejected for similar reasons as stated above in claims 5

and 6.

25.   As per claim 30, it is rejected for similar reason as stated above in claim 22.

26.   As per claim 31, it is rejected for similar reason as stated above in claim 23.

27.   As per claim 32, it is rejected for similar reason as stated above in claim 24.

28.   As per claims 39-46, they are rejected for similar reasons as stated above in claims 1-8.

29.   As per claim 52, Robotham discloses wherein the central server acts as a gateway to a

home network [col 2, lines 20-23; and col 12, lines 33-41].

30.   As per claim 53, Robotham discloses wherein the processed data is distributed to the one

or more nodes through a single server [22, Figure 1; and col 7, lines 51-60].

31.   As per claim 54, Robotham discloses wherein selecting the feature application for

distribution includes selecting the feature application using the node application requested from

the central server [col 4, lines 52-60].

32.   Applicant's arguments with respect to claims 1-32, 39-46, 52-54 have been considered

but are moot in view of the new ground(s) of rejection.

33.   A shortened statutory period for response to this action is set to expire **3 (three) months

and 0 (zero) days** from the mail date of this letter. Failure to respond within the period for

response will result in **ABANDONMENT** of the application (see 35 U.S.C 133, M.P.E.P

710.02, 710.02(b)).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dustin Nguyen whose telephone number is (571) 272-3971. The examiner can normally be reached on flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached at (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dustin Nguyen

Examiner

Art Unit 2154